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CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

PHILLIP A. TALBERT
Acting United States Attorney
SAM STEFANKI
Assistant United States Attorney
501 I Street, Suite 10-100
Sacramento, CA 95814
Telephone: (916) 554-2700
Facsimile: (916) 554-2900

Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

GABRIEL DIOP,

Defendant.

CASE NO. 2:21-cr-00106-MCE

18 U.S.C. § 1341 – Mail Fraud;
18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c) –
Criminal Forfeiture

INDICTMENT

The Grand Jury charges:

GABRIEL DIOP,

defendant herein, as follows:

I. INTRODUCTION

1. Defendant GABRIEL DIOP was a resident of Agoura Hills, California, and a French national.

2. The California State Controller's Office is overseen by the California State Controller, who is responsible for accountability and disbursement of the financial resources of the State of California. The State Controller's Office has an Unclaimed Property Division, which is responsible for administering the Unclaimed Property program in the State of California. The State Controller's Office's Unclaimed Property Division is located in Sacramento County, in the State and Eastern District of California.

1 3. Under California law, certain financial assets, such as bank accounts, brokerage accounts,
2 and insurance policy balances, escheat to the State when financial institutions cannot contact the owners
3 of the assets. These assets are sometimes referred to as unclaimed property.

4 4. In California, the State Controller's Office receives and deposits unclaimed property into
5 the State's General Fund. The State Controller's Office also maintains a list of individuals whose
6 unclaimed property was so deposited and will return an equal amount to the true owners of unclaimed
7 property when those true owners/claimants provide proof that the property in question belongs to them.
8 The State Controller's Office routinely sends correspondence, documentation, and returned funds by
9 first class mail through the United States Postal Service.

10 5. Under State Controller's Office procedures, a claimant requesting return of property of
11 \$1,000 or greater must submit a notarized Unclaimed Property Division claim form, along with copies
12 of a government-issued identification card, such as a driver license, and a Social Security card, and a
13 document connecting the claimant to the reported address and the address where the claim is requested,
14 if it is different than the reported address.

15 6. Individuals may submit claims for unclaimed property held by the State of California
16 directly to the State Controller's Office, but there are also professionals who make it a business to locate
17 and contact individuals whose funds were escheated. These professionals are known as "heir finders"
18 because the true owners of the escheated funds are frequently the heirs of the original owners. Heir
19 finders typically collect a percentage of the funds returned as a fee for their efforts to locate individuals
20 entitled to unclaimed property and for their assistance in completing the identity verification paperwork
21 required by the State Controller's Office. With a written agreement, the State Controller's Office will
22 issue separate payments to the owner of the funds and to the associated heir finder directly.

23 7. Company A was one such heir finder, with an office located in Sacramento County, in
24 the State and Eastern District of California.

25 8. Person A was a resident of Palo Alto, California. The State Controller's Office held
26 unclaimed assets worth approximately \$654,000 for Person A.

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II. SCHEME TO DEFRAUD

9. Beginning on a date unknown to the grand jury but beginning no later than December 2, 2020, and continuing until on or about May 19, 2021, in the County of Sacramento, State and Eastern District of California, and elsewhere, DIOP did knowingly and intentionally devise, execute and attempt to execute, and participate in, a material scheme and artifice to defraud the California State Controller's Office, and for obtaining money and property held by the State Controller's Office for Person A by means of materially false and fraudulent pretenses, representations, promises, and the concealment and omission of material facts.

10. The purpose of the scheme was to obtain funds held by the State Controller's Office for Person A by submitting a fraudulent claim to the Unclaimed Property Division of the State Controller's Office for assets it held for Person A.

III. MANNER AND MEANS

In furtherance of the fraud, DIOP employed the following manner and means:

11. Beginning on a date unknown to the grand jury but no later than December 2, 2020, DIOP used the services of Company A to initiate a claim in Person A's name for unclaimed property held for Person A by the Unclaimed Property Division of the California State Controller's Office. On or around January 4, 2021, DIOP impersonated Person A and corresponded with staff from the Unclaimed Property Division to request that documentation associated with the fraudulent claim DIOP submitted in Person A's name be sent to an address on Malibu Road in Malibu, California ("the Malibu Road Address").

12. Thereafter, DIOP continued to use the identity of Person A to correspond with the Unclaimed Property Division of the California State Controller's Office in his fraudulent attempt to claim about \$654,000 to which Person A was entitled.

IV. USE OF THE MAILS

13. On or around January 30, 2021, in the State and Eastern District of California, and elsewhere, for the purpose of executing and attempting to execute the aforementioned scheme and artifice to defraud, DIOP knowingly caused to be delivered by the Postal Service, according to direction

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1 thereon, a property claim form addressed to the Unclaimed Property Division of the California State
2 Controller's Office in Sacramento County, in the State and Eastern District of California.

3 14. The claim form requested that funds held for Person A be sent to the Malibu Road
4 Address. Neither DIOP nor Person A resided at the Malibu Road Address at the time of this mailing or
5 at any time material to DIOP's scheme. The claim form DIOP submitted in Person A's name bore a
6 fraudulent notary stamp to further DIOP's scheme to impersonate Person A and obtain the funds to
7 which Person A was entitled.

8 In violation of Title 18, United States Code, Section 1341.

9 FORFEITURE ALLEGATION: [18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c) – Criminal
10 Forfeiture]

11 1. Upon conviction of the offense alleged in this Indictment, defendant GABRIEL DIOP
12 shall forfeit to the United States, pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c), all
13 property, real and personal, which constitutes or is derived from proceeds traceable to such violations,
14 including but not limited to the following:

15 a. A sum of money equal to the amount of proceeds traceable to such offenses, for
16 which defendant is convicted.

17 2. If any property subject to forfeiture, as a result of the offense alleged in this Indictment,
18 for which the defendant is convicted:

19 a. cannot be located upon the exercise of due diligence;

20 b. has been transferred or sold to, or deposited with, a third party;

21 c. has been placed beyond the jurisdiction of the court;

22 d. has been substantially diminished in value; or

23 e. has been commingled with other property which cannot be divided without
24 difficulty;

25 it is the intent of the United States, pursuant to 18 U.S.C. § 982(b)(1) and 28 U.S.C. § 2461(c),

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1 incorporating 21 U.S.C. § 853(p), to seek forfeiture of any other property of the defendant, up to the
2 value of the property subject to forfeiture.

3 A TRUE BILL.

4 **/s/ Signature on file w/AUSA**

5
6 FOREPERSON

7 
8 PHILLIP A. TALBERT
Acting United States Attorney

No. 2:21-cr-00106-MCE

UNITED STATES DISTRICT COURT

Eastern District of California

Criminal Division

THE UNITED STATES OF AMERICA

vs.

GABRIEL DIOP

I N D I C T M E N T

VIOLATION(S): 18 U.S.C. § 1341 – Mail Fraud;
18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c) – Criminal Forfeiture

A true bill,

/s/ Signature on file w/AUSA

Foreman.

Filed in open court this _____ 3rd *day*

of June _____, A.D. 20 21 _____

/s/ N. Cannarozzi

Clerk.

Bail, \$ No process necessary _____


JEREMY D. PETERSON
UNITED STATES MAGISTRATE JUDGE

United States v. Gabriel Diop
Penalties for Indictment

VIOLATION: 18 U.S.C. § 1341 – Mail Fraud

PENALTIES: A maximum of twenty years in prison; or
Fine of up to \$250,000; or both fine and imprisonment
Supervised release of up to three years

SPECIAL ASSESSMENT: \$100 (mandatory on each count)

FORFEITURE ALLEGATION

VIOLATION: 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c)

PENALTIES: As stated in the charging document